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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/988,172	12/10/97	ABECASSIS M	

TM11/1011

MAX ABECASSIS
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BOCA RATON FL 33496-3938

EXAMINER	
TRAN, T	
ART UNIT	**PAPER NUMBER**
2615	10

DATE MAILED: 10/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SK

Office Action Summary

Application No.	Applicant(s)
08/988,172	Abecassis
Examiner	**Group Art Unit**
ThaiTran	2615

☒ Responsive to communication(s) filed on *Jun 19, 2000*

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) *83-99* is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *83-99* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). *2, 4 and 5*

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321© may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 83-99 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 5,434,678. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

Claims 1-19 of U.S. Patent No. 5,434,678 recite all the features of the instant invention except for a laser readable disc as recited in claims 83, 88 and 93 and wherein the at least one segment code prevents the control function from skipping a playing of a commercial included with the video program as recited in claims 86-87, 89-90 and 96-97.

It is noted that the use of laser readable disc for recording video signal is well known and old in the art and, therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known laser readable disc into claims 1-19 of U.S. Patent No. 5,434,678 because the laser readable disc has an advantage of no physical contact between the laser readable disc and the optical head and such advantage being desirable to achieve efficient system operation in claims 1-19 of U.S. Patent No. 5,434,678.

Furthermore, claims 1-19 of U.S. Patent No. 5,434,678 recite that any segment of video signal can be skipped. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate claims 1-19 of U.S. Patent No. 5,434,678 with the capability of not skipping the commercials included in the video signal in order to reduce the time of playing back the video program by skipping segments in the video program.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 83-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russell Mayo Sasnett (the article "Reconfigurable Video").

Russell Mayo Sasnett discloses a disc (page 32 of the article) for use in conjunction with a playback apparatus having processing, random accessing, and buffering capabilities and a control

function for selectively playing separately addressed video segments; the disc having at least one spiral track storing a video program comprising a plurality of separately addressable video segments including parallel video segments for variably playing at least one scene of the video program (pages 41-46); a user interface particular to the video program for enabling a suer of the video program to establish a content preferences (pages 64-76); segment information directly defining the plurality of separately addressable video segments (pages 64-76); and at least one segment code for preventing the control function of the apparatus from interfering with a playing of at least one of the plurality of separately addressable video program segments (pages 41-46 and 77-78); wherein the playback apparatus without requiring an alternative program source or for the user to create the segment information, and responsive to the at least one segment code and the content preference, plays, by means of a processing, random accessing, and buffering, a seamless version of, and form within the video program, the playing seamlessly skipping over a retrieval of at least a portion of a parallel video segment included within the video program (pages 41-46 and 77-78) as recited in claims 83, 88, and 93; wherein the control function is a segment skip function (pages 77-102) as recited in claims 84 and 94; wherein the control function is a fast-forward function (pages 77-102) as recited in claims 85 and 95; and wherein the video segments for variably playing at least one scene of the video program are responsive to at a level of detail (pages 77-102) as recited in claim 91-92. However, Russell Mayo Sasnett does not specifically discloses that the disc is a laser readable disc as recited in claims 83, 88 and 93; wherein the at least one segment code prevents the control function from skipping a playing of a

commercial included with the video program as recited in claims 86, 89 and 96; wherein the at least one segment code prevents the control function from fast-forwarding a playing of a commercial included with the video program as recited in claims 87, 90 and 97; wherein at least one set of parallel segments, included within the video program, provide for at least two versions of scene with different levels of sex; wherein at least another set of parallel segments, included within the video program, provide for at least two versions of another scene with different levels of violence as recited in claims 98-99.

It is noted that the use of laser readable disc for recording video signal is well known and old in the art and, therefore, Official Notice is taken.

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the well known laser readable disc into Russell Mayo Sasnett's system because the laser readable disc has an advantage of no physical contact between the laser readable disc and the optical head and such advantage being desirable to achieve efficient system operation in Russell Mayo Sasnett.

Furthermore, Russell Mayo Sasnett discloses that any segment of video signal can be skipped. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Russell Mayo Sasnett with the capability of not skipping the commercials included in the video signal in order to reduce the time of playing back the video program by skipping segments in the video program.

Russell Mayo Sasnett additional teaches that different scenes can be detected so that the video signal can be segments. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to detecting the scene of at least tow version of a scene with different level of sex and at least two version of another scene with different levels of violence in order to segment the video signal to different levels.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thai Tran whose telephone number is (703) 305-4725.

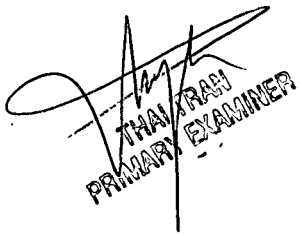
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-6306 or (703) 308-6296, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).



TTQ

October 10, 2000